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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CHRISTOPHER CHARLES BAKER,

Defendants.

Criminal No. 23-CR-031-J

GOVERNMENT'S PROPOSED VOIR DIRE QUESTIONS

The United States of America assumes the Court will ask preliminary questions of the prospective jurors regarding the occupation of each juror and spouse; the length of time at that occupation; familiarity with the parties, lawyers and the nature of this case.

The government then proposes the following additional questions be asked of the prospective jurors:

I. Ability to Serve as a Juror

1. This is a criminal case. The defendant has been charged in an Indictment with the intentional and knowing distribution of a controlled substance, specifically, fentanyl, and the death of R.R. and the serious injury of J.N. which resulted from the use of such substance.

2. The charges in the Indictment are not evidence itself. It simply contains the charges that the United States is required to prove to the satisfaction of the trial jury beyond a reasonable doubt.

3. Is there anything about the nature of this case (without hearing more) that would preclude you from serving on this jury?

4. If selected as a juror, you will have to hear evidence involving the above charged offenses. The evidence might be unpleasant to hear and see. However, the prospect of having to see or hear unpleasant evidence is not a basis to avoid the responsibility of jury service. Many criminal cases involve unpleasant things.

5. Does any juror have any personal knowledge of the case or the charges?

6. Has any juror read or heard about this case in the news?

7. Do any of you feel uncomfortable taking an oath in which you will swear that you will consider all of the evidence and testimony in this case and reach a fair and impartial verdict?

8. Do any of you have philosophical, moral, or religious beliefs that would interfere with your ability to fairly and impartially determine another person's guilt or innocence?

II. Prior Jury & Trial Experience

1. Have any of you ever served on a grand jury? If so, was the grand jury state or federal? How long ago did you serve? Is there anything about that experience that would affect your consideration of the evidence presented to you in this case?

2. Have any of you ever served as trial jurors?

A. If so, was it civil or criminal jury service?

B. If a criminal trial, did the jury convict or acquit?

- C. Would you prefer not to serve on a jury again? If not, why not?
- D. How do you think your prior jury experience will affect your consideration of the evidence presented in this case?

3. If you have not previously served on a jury, do you anticipate any unusual problem or reluctance that you may have with passing judgment on another person in a criminal case?

4. Have any of you, or any member of your immediate family had an unpleasant experience in court, or involving lawyers, which would affect your ability to impartially consider the evidence presented in this case?

5. Does anyone on the panel believe the judicial system in general is unfair? If “yes,” please explain why. Would these feelings prevent you from being fair and impartial in this case?

III. Legal Training & Experience

Have you, any member of your family, or any of your friends, ever received training in the law?

- A. Do you all understand the Court will decide all legal questions and the jury will decide all factual questions?
- B. Can all of you follow the law given to you by the Court?
- C. Do you all feel comfortable in discharging your duty to decide all factual questions presented to you?
- D. Have you ever been in a position of having to decide whom to believe when told directly conflicting stories?
 - i. Were you able to decide?
 - ii. How did you decide?

IV. Attitudes towards the Federal Government

1. Do any of you, or any member of your immediate family, have any dealings with the United States government or any of its agencies from which you might profit?
2. Have any of you, or any member of your immediate family, ever been employed by the United States? If yes, please indicate in what capacity.
3. Have any of you ever had a case or dispute with the United States or a federal agency?
4. Do any of you have any strong feelings either favorable or unfavorable about the Department of Justice or any other federal agency?
5. Do you have any opinions or beliefs concerning the United States federal government in general, or any agency or policy of the United States, which you feel would make it impossible for you to fairly consider the evidence in a case where the United States is the plaintiff and government employees are witnesses? If yes, please explain.

V. Attitudes towards Law Enforcement

1. Have you, any member of your family, or any close friend ever been employed by or worked in any capacity in law enforcement?
2. Do any of you have any strong feelings either favorable or unfavorable about the Wyoming Division of Criminal Investigation, the Albany County Sheriff's Office, the Albany County Detention Center or the Wyoming State Crime Lab, or any other law enforcement agency?
3. Have any of you, your immediate family, or close friends had any unpleasant experience with the Wyoming Division of Criminal Investigation, the Albany County Sheriff's

Office, the Albany County Detention Center or the Wyoming State Crime Lab, or any other law enforcement agency? If so, would that experience impact your ability to serve as a fair and impartial juror in this case?

4. Have you or anyone close to you ever been arrested or stopped by the police for something more serious than a speeding citation? If so, what was the disposition of the case? Do you believe the person was treated fairly by the police and the criminal justice system in general?

VI. Victim or Witness of a Crime

1. Have you or any member of your family ever been the victim of a crime?

2. Have you or any member of your family ever been accused of criminal conduct or ever been the subject of a criminal investigation?

3. Have you or any member of your family ever been a witness to a crime?

4. Have you or any member of your family ever been a witness for the prosecution or the defense in a criminal case?

VII. Questions Relating to Attitudes Toward Drug Use and Abuse

1. The United States expects that it will call witnesses who are or were at some point addicted to controlled substances. Would any member of the jury tend not to believe such a witness simply because they suffered from an addiction to controlled substances?

2. Do any of you have strong feelings that the government should not call someone who is addicted or has had a past addiction or drug use disorder, or people who have committed drug crimes as witnesses?

3. Has your life, or the life of a family member or close personal friend ever been helped by a medication or prescribed medication or drug such that you feel frustrated with efforts to regulate or limit people's access to medication?

4. Do any of you conscientiously disagree with the laws that prohibit the possession, use or distribution of any controlled substance?

5. Is there anyone present who advocates for the legalization of drugs, or belongs to an organization that advocates for the legalization of drugs, including marijuana and/or "street drugs" such as cocaine, heroin, fentanyl, and methamphetamine?

6. Do you, a relative, or a close friend have any personal experience with controlled substances, including prescription pain medications, becoming a problem in day-to-day life?

7. Have you, anyone in your immediate family, or a close friend ever suffered an overdose of medications or drugs whether intentionally or unintentionally?

8. Have you, anyone in your immediate family, or a close friend, ever been treated for any kind of alcohol, drug, or other substance abuse, whether in inpatient or outpatient counseling or treatment?

9. Have you, any member of your family, or close friend, ever been investigated and/or prosecuted for crimes related to the unlawful distribution of controlled substances? Would that experience tend to influence you one way or another in consideration of this case?

10. It is alleged in this case that two of the individuals who received drugs from the defendant, used those drugs, and died or were injured. Does anyone believe that the person who died or was injured is not worthy of protection under the law simply because it was their own decision to take the drugs and they were not forced to do so?

11. Does everyone here agree with the concept that both the drug dealer and the drug user share responsibility for an overdose, or would you tend to believe that the person who uses or is addicted to the drug is solely responsible?

12. Do any of you have an opinion regarding an increase in investigations and enforcement activities surrounding drug distribution?

13. Do any of you have strong feelings against people who agree to cooperate with the government against others for a possible benefit to themselves? If so, what are those feelings?

14. You will hear testimony concerning the death of R.R. and the serious bodily injury to J.N. and see photos and brief video evidence of what happened to them when they used drugs. Is there anyone here who believes he or she may not be able to listen to such testimony or view such photos or video?

VIII. Attitudes towards Witness Credibility

1. Do any of you have strong feelings that the government should not call people who have committed crimes as witnesses?

2. Do any of you have strong opinions about plea bargaining, that is, the government's general ability to recommend lighter sentences to those people who agree to cooperate?

3. Do you believe that the government should not enter into agreements with individuals in order to obtain evidence in criminal cases?

4. If you hold those beliefs, are you able to put aside your personal belief regarding plea bargaining and cooperation, listen and consider all the evidence and the Court's instructions, and render a verdict based solely upon the evidence presented in court and according to the instructions the Court will give you?

IX. Punishment and Sympathy

1. Do you understand that the issue of punishment is left to the sole discretion of the Court, and that your sole obligation here is to determine whether the Defendant is guilty or not guilty of the crimes with which he is charged? Can you put aside thoughts or curiosity about potential punishment in arriving at a fair and impartial verdict in this case?

2. In your deliberations, will you consider the evidence and the Court's instructions on the law without considering the consequences to either side?

3. Would any of you feel compelled to find a defendant not guilty even if the case is proven beyond a reasonable doubt?

4. If the Court instructs you that your verdict must not be based on sympathy, passion, or prejudice, but only on the evidence in this case, will you be able to follow that instruction?

X. Summary Questions

1. After you have heard the evidence, I will instruct you as to the law. It will be your duty to follow the law as I give it to you even though you may disagree with the law. Do any of you think that you will have difficulty following those instructions?

2. In these questions, I have tried to direct your attention to possible reasons why you might not be able to sit as a fair and impartial juror. Apart from any prior questions, does any juror have the slightest doubt in his or her mind, for any reason whatever, that he or she will be able to serve conscientiously, fairly, and impartially in this case and to render a true and just verdict without fear, favor, sympathy, or prejudice, and according to the law as it will be explained?

Respectfully submitted this 3rd day of October 2023.

NICHOLAS VASSALLO
United States Attorney

By: s/Kerry J. Jacobson
KERRY J. JACOBSON
Assistant United States Attorney

CERTIFICATE OF SERVICE

I hereby certify that I served a true and correct copy of the foregoing **GOVERNMENT'S PROPOSED VOIR DIRE QUESTIONS** upon counsel of record by electronic filing dated this 3rd day of October, 2023.

s/Mikala Dawson
For the United States Attorney's Office